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December 14, 2020

Via Electronic Filing

The Honorable Zahid N. Quraishi
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

RE: Donell Freeman v. Kabeeruddin Hashmi, M.D. and Correct Care
Solutions LLC, d/b/a WellPath, et al.
Docket No.: 3:18-cv-7802
D/A: 8/23/11
Our File No.: 1275-107074 (MJB/KTS)

Dear Judge Quraishi:

This office represents Defendants, Wellpath, LLC f/k/a Correct Care Solutions, Kabeeruddin Hashmi, M.D., and Daniel Unachukwu in the above-captioned matter. Please accept this correspondence as Defendants' formal objection to Plaintiff's Affidavit of Merit.

On December 13, 2020, Plaintiff filed an Affidavit of Merit authored by Grant Phillips, M.D. Please be advised that Defendants notified Plaintiff on December 1, 2020 that they objected to Dr. Phillips. A review of Dr. Phillips' CV and his Affidavit, demonstrate that Dr. Phillips is Board Certified in Family Medicine.

Pursuant to New Jersey's Affidavit of Merit statute, a physician authoring an Affidavit of Merit for a medical malpractice claim must be board-certified in the same specialty or subspecialty as the defendant if said defendant is board-certified in a specialty or subspecialty recognized by the American Board of Medical Specialties or the American Osteopathic Association. *N.J.S.A. 2A:53A-41*; *see also Ryan v. Renny*, 203 N.J. 37, 43 (2010) ("[T]he Affidavit of Merit statute requires that the plaintiff's affiant be board-certified in the same specialty or subspecialty as the defendant.").

As declared in his Answer, Dr. Hashmi is Board Certified in Internal Medicine and Emergency Medicine, two separate and distinct specialties from Family Medicine. Dr. Hashmi is also a certified Correctional Healthcare Professional. Accordingly, Dr. Phillips is not qualified to author an Affidavit of Merit against Dr. Hashmi.

{NJ165843.1}

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While this matter is in Federal Court and a conference pursuant to *Ferreira v. Rancocas Orthopedic Associates*, 178 N.J. 144 (2003) need not be scheduled, please be advised that Defendants intend to pursue all legal remedies available to them in compliance with the Affidavit of Merit Statute.

Respectfully submitted,

**MARKS, O'NEILL, O'BRIEN,
DOHERTY & KELLY, P.C.**

Melissa J. Brown

Melissa J. Brown, Esquire

MJB/KTS

cc: Michael Poreda, Esquire (*Via E-Courts*)
Thomas Reardon, III, Esquire (*Via E-Courts*)